



IPW

AF/18
(61)

PATENT
Attorney Docket 054160-5060-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Tsuneji SUZUKI *et al.*) Group Art Unit: 1615
Application No. 10/049,666) Examiner: Amy E. Pulliam
Filed: February 15, 2002)
For: Pharmaceutical Agent Comprising)
a Benzamide Derivative as Active)
Ingredient)

Mail Stop: AF
Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Response Under 37 C.F.R. § 1.116 in response to the Final Office Action dated December 30, 2003 (Paper No. 9).
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a one-month extension of time from March 30, 2004 to April 30, 2004. If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor.
3. Fee Calculation (37 C.F.R. § 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	7	minus	22	0	\$18 each=	0.00
Independent Claims	1	minus	3	0	\$86 each=	0.00
First presentation of Multiple dependent claim				\$290.00		0.00
					Sub-total =	0.00
					Reduction by ½ for filing by a small entity	0.00
					Total Fee =	\$00.00

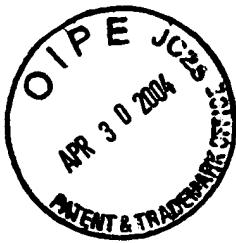
4. Fee Payment: The Commission is hereby authorized to charge \$110.00 to Deposit Account 50-0310 for payment of the one-month extension of time fee.

5. **Constructive Petition:** Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: April 30, 2004
Morgan, Lewis & Bockius LLP
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Respectfully submitted,
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PATENT
ATTORNEY DOCKET NO. 054160-5060-US

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Tsuneji SUZUKI *et al.*) Group Art Unit: 1615
Application No.: 10/049,666) Examiner: Amy E. Pulliam
Filed: February 15, 2002)
For: PHARMACEUTICAL AGENT)
COMPRISING A BENZAMIDE)
DERIVATIVE AS ACTIVE)
INGREDIENT)

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Sir:

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

In response to the Final Office Action mailed on December 30, 2003, (Paper No. 9), the period for response to which has been extended through April 30, 2004 by the filing herewith of a petition for a one-month extension of time and instructions for fee payment, Applicants respectfully request entry of the following amendments:

05/03/2004 CCHAU1 00000057 500310 10049666

01 FC:1251 110.00 DA